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Contact: Lauren North
Phone: 202-693-4655
Email: north.lauren.a@dol.gov

MSHA issues guidance on implementing effective corrective action programs

ARLINGTON, Va. – The U.S. Department of Labor’s Mine Safety and Health Administration today issued a [Program Information Bulletin](#) reminding the mining community of the process for submitting a [corrective action program](#) for MSHA approval and the tools MSHA makes available to assist mine operators in monitoring compliance.

The purpose of a CAP is to establish and implement corrective actions at a mine to reduce significant and substantial violations that could lead to pattern of violations sanctions. A CAP must: contain concrete, meaningful measures to reduce S&S violations; be specifically tailored to the mine’s compliance problems; and contain achievable benchmarks and milestones for implementation. These programs must be submitted to the agency for approval.

Mine operators are encouraged to develop and implement CAPs prior to meeting the [POV screening criteria](#). Mines that meet the POV screening criteria and lack mitigating circumstances are subject to sanctions under [Section 104\(e\) of the Federal Mine Safety and Health Act of 1977](#) for demonstrating a disregard for miners’ health and safety through a pattern of S&S violations.

In January 2013, MSHA published a [final rule](#) revising the agency’s pattern of violations rule. According to the preamble to the rule, mine operators approaching POV status have the opportunity to implement a CAP, and MSHA considers a mine operator’s effective implementation of an approved CAP as a mitigating circumstance in determining whether to issue a POV notice.

In accordance with [Section 104\(e\)\(1\) of the Mine Act](#), once a mine operator receives a POV notice, for each subsequent S&S violation MSHA will issue an order withdrawing miners from the affected area until the cited condition has been corrected. MSHA will terminate an operator’s POV notice if no withdrawal order for an S&S violation is issued by the agency within 90 days of the issuance of the POV notice, or when an inspection of the entire mine is completed and no S&S violations are found.

“Mine operators should closely track their violation and injury histories,” said Joseph A. Main, assistant secretary of labor for mine safety and health. “Developing and implementing an effective corrective action program that reduces significant and substantial violations puts a mine on track to make the workplace safer and healthier for miners.”

MSHA’s [online POV monitoring tool](#) is available to assist operators in tracking their violation and injury histories against the POV screening criteria. MSHA stresses that operators should not rely on the monitoring tool exclusively and be proactive in monitoring their violation, accident and injury histories to

determine if they are approaching the POV screening criteria. An [S&S rate calculator](#) is also available to assist operators in determining if a mine is meeting the goals set forth in its CAP.

“As our guidance explains, these tools are evaluation aids. Ultimately, mine operators are responsible for monitoring compliance, determining whether they are close to meeting the POV screening criteria and taking corrective actions,” said Main. MSHA updates the POV monitoring tool on or about the 15th of each month. However, operators should not wait for violations or injuries to appear in this program before considering the implementation of a CAP. MSHA conducts POV screening at least once each year.

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